



Latin American Environmental Law Roundtable

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Environmental Law Developments

2011-12

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Latin American Region
Environmental Roundtable
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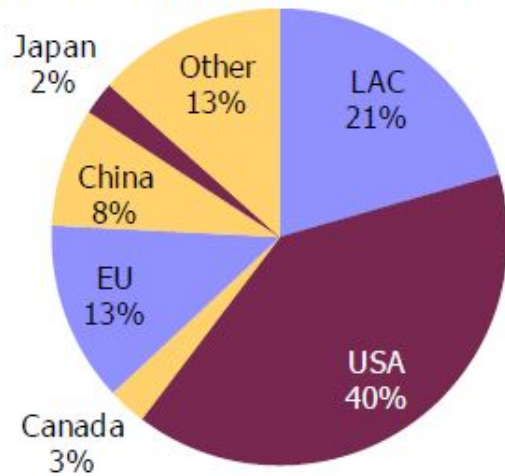
South America Indicators



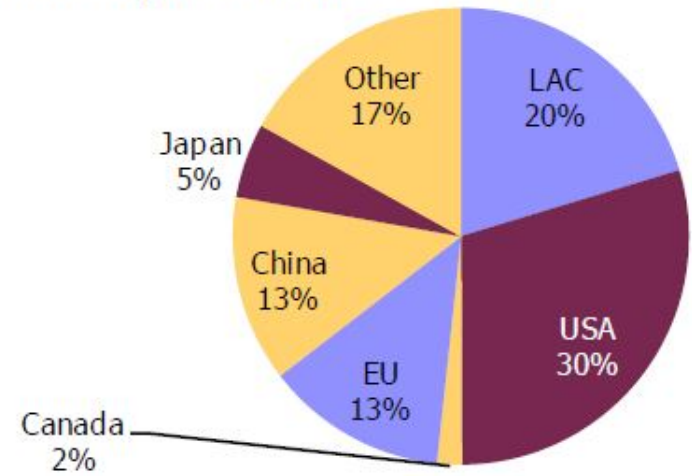
- GDP \$4.8 trillion in 2010, up 6.1% from 2009
- Total regional trade ~ \$300 billion in 2011
- Average regional growth around 4% a year
- Twice the regional trade than with China
- Brazil: seventh largest global economy
- Mexico: third largest trading partner

Trade Comparisons

LAC Export Destinations – 2010



LAC Import Sources – 2010

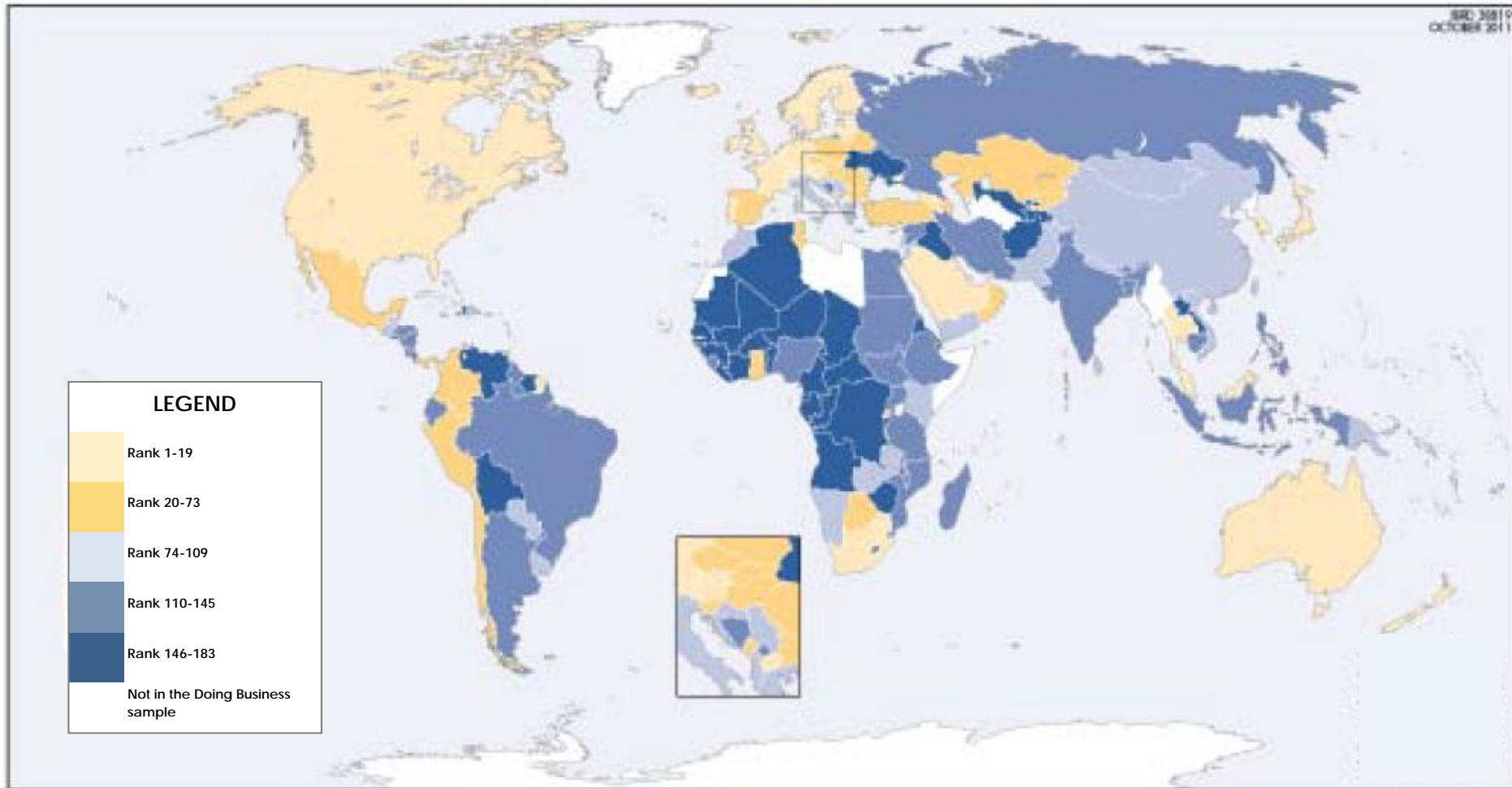


Free Trade Agreements

The U.S. has 18 Free Trade Agreements. More than half are with countries in Latin America:

Chile	Colombia	Costa Rica
Dominican Republic	El Salvador	Guatemala
Honduras	Mexico	Nicaragua
Peru	Panama	

Transparency Index



Legal Context



- Highly dynamic regulatory atmosphere
- Regional dialogue on environmental issues
- Strong framework laws, moving into full implementation phase
- International influence, local flavor
- Robust regulatory activity in industrial corridors
- Increasing transparency and citizen activism
- Broader enforcement and liability



Key Legal Trends 2011-12

- Product Stewardship
- Contaminated Sites
- Climate Change & Energy Efficiency
- Extractive Industries
- Air Quality and Emissions Controls
- Transparency and Enforcement

Key Legal Trends 2011-12

Product Stewardship

Trend: Region is adopting and now implementing a broad range of product stewardship requirements for a diverse set of products and packaging.

Key Legal Trends

2011-12: *Product Stewardship*

Key Final Standards

Puerto Rico: E-equipment take-back law (January 2012)

Ecuador: Special/hazardous waste take-back regulation (February 2012)

Sao Paulo: Take-back plan regulation (August 2011)

Key Pending Standards

Mexico: Proposed special waste take-back standards (August 2011)

Peru: Draft final e-waste take-back rules (December 2011)

Chile: Proposed WEEE-RoHS bill (April 2012)

Key Legal Trends 2011-12

Contaminated Sites

Trend: Region continues to adopt “polluter pays” regimes for contaminated sites; some jurisdictions well implemented and beginning to look at brownfields redevelopment.

Key Legal Trends

2011-12: *Contaminated Sites*

Key Final Standards

Buenos Aires Province:
Contaminated Site Law
(January 2012)

Brazil: Recovery of Degraded Areas
Rules (April 2011)

Puerto Rico: Brownfields Law
(February 2011)

Key Pending Standards

Brazil: Proposed ABNT site
investigation standards
(Spring 2012)

Sao Paulo: Proposed “Superfund”
implementing regulations
(February 2011)

Mexico: Proposed Law of
Environmental Liability
(November 2011)

Key Legal Trends 2011-12

Climate Change & Energy Efficiency

Trend: Region is embracing a range of climate change and energy efficiency initiatives.

Key Legal Trends

2011-12: *Climate Change & Energy Efficiency*

Key Final Standards

Mexico: Climate Change Law
(April 2012)

Rio de Janeiro: GHG Reduction
Goals (September 2011)

Brazil: INMETRO Energy Efficiency
Labeling Standards (April 2012)

Peru: Climate Change Plan
(December 2010)

Key Pending Standards

Argentina: Proposed Climate
Change Bill (July 2011)

Key Legal Trends 2011-12

Extractive Industries

Trend: Region continues to increase environmental protections from mineral extraction activities, in particular mining.

Key Legal Trends

2011-12: *Extractive Industries*

Key Final Standards

Mexico: Mining management standards
(2011-12)

Argentina: Hydrocarbon exploration law
(July 2011)

Peru: Standards to control illegal mining
(Spring 2012)

Costa Rica: Ban on open-pit mining
(January 2011)

Key Pending Standards

Ecuador: Proposed amended penalties
to Mining Code
(October 2011)

Chile: Bill to protect communities from
mining (Fall 2011)

Key Legal Trends 2011-12

Air Quality

Trend: Region beginning to renew focus on air quality issues, in particular stationary sources.

Key Legal Trends

2011-12: *Air Quality*

Key Final Standards

Brazil: Stationary source emissions for pre-2007 facilities (December 2011)

Bogota: Stationary source emissions (March 2012)

Chile: Standards for fine particulate matter (PM 2.5) (January 2011)

Costa Rica: Standards for boilers and furnaces (July 2011)

Key Pending Standards

Chile: Proposed amendments to PM-10 standards (November 2011)

Colombia: Proposed noxious odor and complaint rules (Fall, 2011)

Mexico: Proposed amendments to air quality regulations (Spring, 2011)

Key Legal Trends 2011-12

Transparency & Enforceability

Trend: Region is adopting novel and progressive mechanisms to enforce environmental standards with increased transparency.

Key Legal Trends

2011-12: *Transparency & Enforceability*

Key Final Initiatives

Mexico: Collective actions law
(August 2011)

Brazil: Environmental compensation
fees for projects (July 2011)

Colombia: Penalty calculations rules
(October 2010)

Peru: Accepting comments on
Facebook (March 2012)

Key Legal Trends 2011-12

Key Enforcement Cases

Trend: Continued pattern of high-profile deterrent enforcement.

Key Legal Trends

2011-12: *Key Enforcement Cases*

Recent Examples

Argentina: Sali-Dulce Rio case

Brazil: Oil-spill enforcement

Chile: Codelco Smelter

Peru: NGO Illegal Logging
Inquiry



Thank You!
¡Gracias!
Obrigado!